

Making the railway system
work better for society.

DECISION n° 238

of the Management Board of the European Union Agency on the adoption of Commission Decision C(2019)6855 of 4.10.2019 on procedures for dealing with professional incompetence by analogy

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to

- *the Treaty on the Functioning of the European Union,*
- *the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 110(2) of the Staff Regulations,*
- *the Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004,*

After consulting the ERA Staff Committee,

Whereas:

- (1) *Article 110(2) of the Staff Regulations provides that the Commission's implementing rules to the Staff Regulations should apply by analogy in agencies.*
- (2) *On 9 October 2019, the Commission notified ERA on the adoption of Commission Decision C(2019) 6855 of 4.10.2019 on procedures for dealing with professional incompetence*
- (3) *On 13 January 2020, the authorities in DG HR, Ms Mariana SAUDE, recommended to the EU Agencies by email that Commission Decision C(2019) 6855 of 4.10.2019 on procedures for dealing with professional incompetence should apply by analogy although it is inapplicable to temporary and contract staff (and ERA does not employ officials).*

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision C(2019)6855 of 4.10.2019 on procedures for dealing with professional incompetence (attached hereto) shall apply by analogy although it is inapplicable to temporary and contract staff.

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p. 15.



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Article 2

This Decision shall take effect on the day following its adoption.

For the Management Board

Clio LIÉGEOIS
The Chairwoman

Annex: Commission Decision C(2019) 6855 of 4.10.2019 on procedures for dealing with professional incompetence